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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,275	12/14/2001	Robert J. Baker	19433-0661	4876

7590 04/06/2005

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EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/857,275

Applicant(s)

BAKER ET AL.

Examiner

Pierre E. Elisca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 5 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Application No. 09/857,275, filed on 12/14/2001.
2. Claims 1-14 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

4. Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Dent et al (U.S. Pat. No. 6,128,603).

As per claims 1, 3-4, and 6-13 Dent discloses a consumer-based bill management and payment system that is configured to receive, analyze Or track, manage and pay electronic billing statements received from a biller over the Internet, including the steps of:

Identifying all transactions across the participants and other entities (see., abstract, col 3, lines 6-67, col 4, lines 1-4, specifically wherein said the system includes a notification manager that detects (or identify) when the electronic bill arrives and notifies the consumer);

Identifying all sources of funds and uses of funds for each department of a participant (or user or consumer) see., abstract, col 3, lines 6-67, col 4, lines 1-4, specifically

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wherein said the system includes a notification manager that detects (or identify) when the electronic bill arrives and notifies the consumer;

Analyze the funds flow among the participants (see., abstract, col 3, lines 6-67, col 4, lines 1-4); and

Generate a source of funds statement and a uses of funds statement for each participant using the identified sources of funds and uses of funds (see., abstract, col 3, lines 6-67, col 4, lines 1-4, col 4, lines 40-67, col 5, lines 53-67, col 6, lines 1-8). As per claim 13, the school of medicine, or a hospital or a clinical practice is interpreted as a consumer-based bill management system.

As per claim 2, Dent discloses the claimed method wherein said the funds flow further comprise support funds, payment for services and unreimbursed expenses (see., abstract, col 3, lines 6-67, col 4, lines 1-4, specifically wherein said the cashflow analyzer can automatically compute an optimized payment schedule that minimizes overdraft of the consumer's account. This process is readable as analyzing cashflow support funds for the consumers).

5. Claims 1-14 are rejected under 35 U.S.C. 102 (e) as being anticipated by Morgan et al (U.S. Pat. No. 5,799,286).

As per claims 1, 3-4, and 6-13 Dent discloses an automated activity-based management system and method for making thereof. A business organization has costs

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associated with its employees, facilities, equipment, and overhead to produce products or provide service, including the steps of:

Identifying all transactions across the participants and other entities (see., abstract, col 2, lines 16-54, col 4, lines 1-4);

Identifying all sources of funds and uses of funds for each department of a participant (or user or consumer) see., abstract, col 2, lines 16-54, col 4, lines 1-4;

Analyze the funds flow among the participants (see., abstract, col 2, lines 16-54, col 4, lines 1-4); and

Generate a source of funds statement and a uses of funds statement for each participant using the identified sources of funds and uses of funds (see., abstract, col 2, lines 16-54, col 4, lines 1-4, col 5, lines 13-67, col 6, lines 1-63). As per claim 13, the school of medicine, or a hospital or a clinical practice is interpreted as an automated activity management system.

Allowable Subject Matter

6. Claims 5 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claim 1 is rejected under 35 U.S.C. 101 because it is directed to non-statutory subject matter, specifically, as directed to an abstract idea.

Computer program not claimed as embodied in computer are descriptive material per se are not statutory because they are neither physical "thing" nor statutory processes. The claim recites a method of tracking the flow of funds which do not define any structural and functional interrelationships with a general purpose computer for permitting the claimed functions to be realized. In contrast, a statutory claim would define structural and functional interrelationships between data structures or functional parts and a computer which permit the data functions to be realized. Thus, the claim is rejected as being non-statutory as described above. Applicant is advised to add a computer or processor into the claim in order to overcome the 101 rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

Primary patent Examiner

April 04, 2005